

Serial No.: 10/605,993
Confirmation No.: 2992
Applicants: PERSSON, Per *et al.*
Atty. Ref.: 07589.0075.NPUS01

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 102:

Claims 1-6 have been rejected under 35 USC 102(b) as being anticipated by *Murata et al.* PN Re. 35,662.¹ In this regard, Applicant directs attention to the first claimed element in claim 1 and the second and third claimed elements of claim 6 which recite:

(claim 1) the first and second cam followers mounted on a **pivotal rocker arm**;

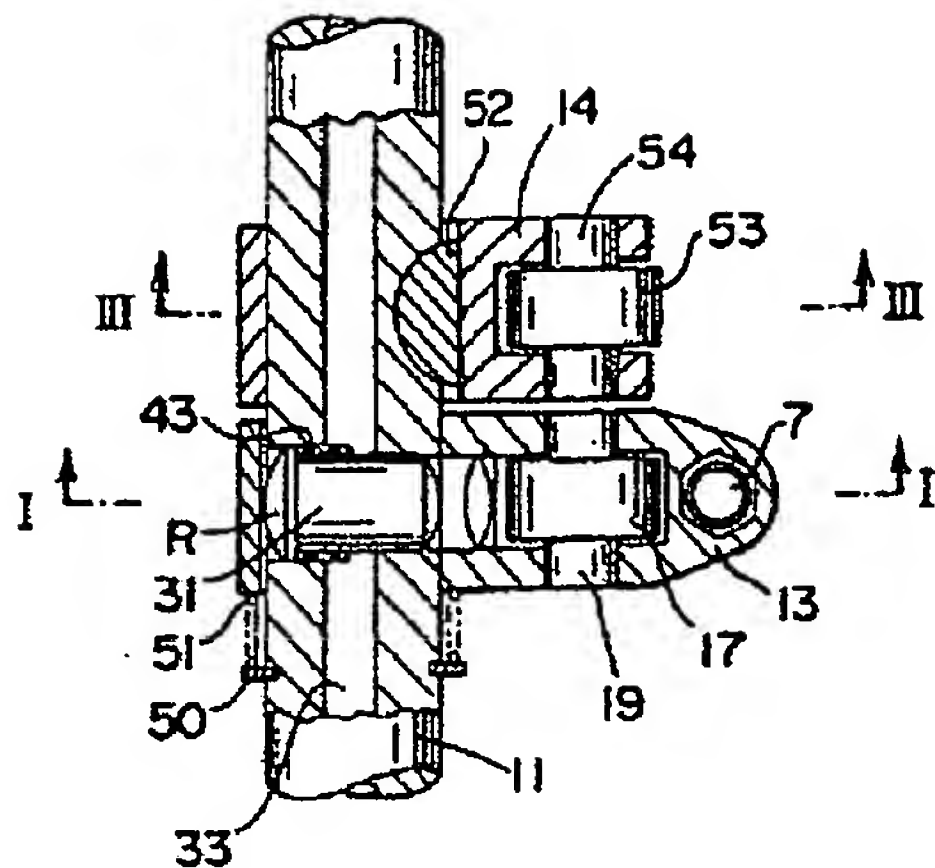
AND

(claim 6) the first cam follower mounted to, and stationarily oriented with respect to a **pivotal rocker arm**; the second cam follower mounted to, and moveably oriented with respect to **the pivotal rocker arm**.

The Office, regarding *Murata et al.* '662, finds "the first and second cam followers mounted on a pivotal rocker arm (See Fig. 2(11))". Applicant respectfully traverses this assertion. In fact, *Murata et al.* '662 shows and describes the following:

¹ It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. See *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). 2004 Pat. App. LEXIS 128, 3-4 (Pat. App. , 2004).

FIG. 2



er shaft 11 extends parallel to the camshaft 22. On the rocker shaft there are mounted a low-speed rocker arm 13 actuatable by the low-cam 20 and a high-speed rocker arm 14 actuatable by the high-cam 21, the low- and high-speed rocker arms 13, 14 being parallel to each other. . . A shaft 19 with a roller bearing 17 mounted thereon is pivoted on an arm member of the low-speed rocker arm 13. The roller bearing 17 has an upper portion engaging the low-speed cam 20. Therefore, actuating forces are transmitted from the low-speed cam 20 to the low-speed rocker arm 13 through the roller bearing 17 and the shaft 19. The high-speed rocker arm 14 supports on an arm member thereof a shaft 54 on which a roller bearing 53 is mounted. The roller bearing 53 has an upper portion engaging the high-speed cam 21. Therefore, actuating forces are transmitted from the high-speed cam 21 to the high-speed rocker arm 14 through the roller bearing 53 and the shaft 54. (column 6, line 44 through column 7, line 10)

From this illustration and textual excerpt, it is clear that *Murata et al.* '662 does not in fact disclose "first and second cam followers mounted on a pivotal rocker arm," but instead, *Murata et al.* '662 discloses **first and second cam followers (17, 53) mounted on two different respective pivotal rocker arms (13, 14)**. Not only is this structural difference positively recited in Applicant's independent claims, but the advantages of the claimed structure are explained in [0007] of the present application as filed, namely Applicant states:

[0007] It is desirable that apparatuses for producing additional openings of valves should not extend significantly in a longitudinal direction in the space available for the engine valve mechanism. For example, the high compression ratios that occur in modern diesel engines mean that the valve mechanism must be designed for very high contact pressures. Furthermore, this type of engine may be fitted with some form of compression brake system, which requires space for actuating members. Consequently no apparatuses for switching between two valve operating modes should encroach on the existing compression brake system. It is also desirable to be able to perform this switch from one mode to another in a simple way.

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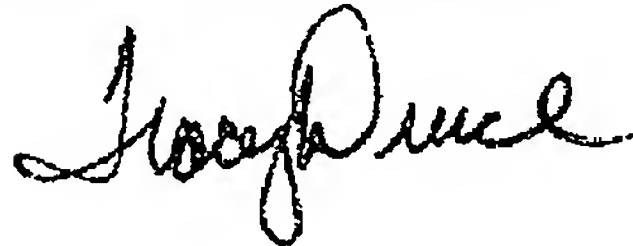
Applicant's claimed arrangement with respect to two cam followers being mounted on a pivotal rocker arm exploits this advantage.

It is believed that the above changes place the application in condition for allowance. Therefore, a Notice of Allowance is respectfully solicited.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.0075.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



Tracy W. Druce
Patent Attorney
Reg. No. 35,493
Tel. 202.659.0100